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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, )  
14 Plaintiff, )  
15 v. )  
16 TARNISHIA PAUL, )  
17 Defendant. )

No. 3-05-70741 JCS

~~PROPOSED~~ ORDER AND STIPULATION  
WAIVING A DETENTION HEARING  
WITHOUT PREJUDICE, WAIVING TIME  
UNDER RULE 5.1 AND EXCLUDING  
TIME FROM SEPTEMBER 29, 2005 TO  
OCTOBER 28, 2005 FROM THE SPEEDY  
TRIAL ACT CALCULATION  
(18 U.S.C. § 3161(h)(8)(A))

19 The parties appeared before Judge Joseph C. Spero on September 29, 2005 and before Judge  
20 James Larson on October 7, 2005. With the agreement of the parties, and with the consent of the  
21 Defendant, the Court enters this order (1) scheduling a new preliminary hearing/arraignment date  
22 of October 28, 2005 at 9:30 a.m., before the Honorable James Larson; (2) documenting the  
23 Defendant's waiver of time limits under Federal Rule of Criminal Procedure 5.1; (3)  
24 documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), from  
25 September 29, 2005 to October 28, 2005; and (4) documenting the Defendant's waiver, without  
26 prejudice, of her right to a detention hearing. The parties agreed, and the Court hereby holds, as  
27 follows:

28 1. The Defendant waives the time limits for a preliminary hearing under Federal Rule of

STIP. & [PROPOSED] ORDER  
C 3-05-70741 JCS

1 Criminal Procedure 5.1. The government has not yet been able to produce all of the discovery,  
 2 and the parties are currently discussing a disposition of this case that may involve cooperation  
 3 and/or agreement by the government not to proceed on certain possible charges. In addition, the  
 4 defendant has recently suffered a personal loss that will take her attention from preparation and  
 5 analysis of her case. Failure to grant the requested continuance would unreasonably deny both  
 6 defense and government counsel reasonable time necessary for effective preparation, taking into  
 7 account the exercise of due diligence, and would deny the Defendant continuity of counsel.

8 2. Counsel for the defense believes that postponing the preliminary hearing is in his  
 9 client's best interest, and that it is not in his client's interest for the United States to indict the  
 10 case before October 28, 2005.

11 3. The Defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to  
 12 grant the requested continuance would unreasonably deny both government and defense counsel  
 13 reasonable time necessary for effective preparation, taking into account the exercise of due  
 14 diligence, and would deny the Defendant continuity of counsel.

15 4. Given these circumstances, the Court finds that the ends of justice served by excluding  
 16 the period from September 29, 2005 to October 28, 2005, outweigh the best interest of the public  
 17 and the Defendant in a speedy trial. Id. § 3161(h)(8)(A).

18 5. Accordingly, and with the consent of the defendant, the Court orders that the period  
 19 from September 29, 2005 to October 28, 2005, be excluded from Speedy Trial Act calculations  
 20 under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

21 6. The Defendant also waives her right to a detention hearing, without prejudice.

22 7. The Court hereby schedules a new preliminary hearing/arraignment date of October  
 23 28, 2005, at 9:30 a.m., before the Honorable James Larson.

24 IT IS SO STIPULATED.

25 DATED: \_\_\_\_\_ 10/11/05 \_\_\_\_\_ /s/  
 26 TRACIE L. BROWN  
 Assistant United States Attorney

27 DATED: \_\_\_\_\_ 10/12/05 \_\_\_\_\_  
 28 RONALD C. TYLER  
 Attorney for TARNISHIA PAUL

IT IS SO ORDERED.

DATED: October 14, 2005

